



**UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Christine Brakel, et al. )  
Serial No.: 07/445,235 )  
Filed: December 4, 1989 )  
Title: MODIFIED NUCLEOTIDE COMPOUNDS )

16/2  
2/26/93  
Group Art Unit: 1803  
Exam'r: Gary L. Kunz

January 20, 1993  
New York, New York

Honorable Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231      **BOX DAC**

**Attention:      Office of Deputy Assistant  
                    Commissioner for Patents  
2121 Crystal Drive  
Crystal Park 2 - Suite 913  
Arlington, Virginia 22202**

**PETITION TO REVIVE  
AN UNINTENTIONALLY ABANDONED  
APPLICATION UNDER 37 C.F.R. §1.137(b)**

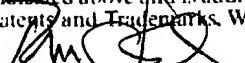
Dear Sir:

Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive the above-identified application which was unintentionally abandoned.

The above-identified application became unintentionally abandoned after September 5, 1992, which was the date that a response to a June 5, 1992 Office Action was due. A copy of the Notice of Abandonment issued on January 11, 1993 is attached to this Petition as Exhibit 1.

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EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No <u>GB080540471US</u>	
Deposit Date	<u>January 20, 1993</u>
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231	
 Ronald C. Fedus Reg. No. 32,567	
JAN 20 1993 Date	

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Applicants' undersigned attorney wishes to point out that a response in the form of an Amendment Under 37 C.F.R. §1.115 was duly filed by first class mail on December 7, 1992. A copy of the December 7, 1992 correspondence, including the Amendment and accompanying papers, is attached to this Petition as Exhibit 2. As no postcard indicating receipt of the December 7, 1992 Amendment by the Patent Office has been returned to Enzo Therapeutics, Inc., the instant assignee, or to Enzo Biochem, Inc., the parent company, Applicants and their attorney can only assume that the correspondence was lost or destroyed in the mail. Rather than avail themselves of the provisions of subsection (a) of 37 C.F.R. §1.137, Applicants are filing this Petition under subsection (b) in order to expedite the revival of this application.

It is hereby requested that this application be revived because it was unintentionally abandoned and there was no intent to abandon the application. As indicated in the preceding paragraph, a copy of the December 7, 1992 Amendment is attached as Exhibit 2. Also attached as Exhibit 3 is an Amendment Under 37 C.F.R. §1.115 which is nearly identical - with the exception of the new date, signature and other minor changes - to the December 7, 1992 Amendment. A new Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(c) - Small Business Concern, and Substitute Power of Attorney, are also being submitted with the Amendment (Exhibit 3). It is respectfully requested that this Amendment (Exhibit 3) be entered as a response upon the granting of this Petition.

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It is respectfully noted that this Petition, together with a proposed response, i.e., a request for a continuation application under Rule 1.60, and the petition fee, are being filed within six (6) months of the date of abandonment. Thus, no terminal disclaimer is required in this instance, as set forth in 37 C.F.R. §1.137(c).

The fee for filing this Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b) is \$585.00 for a small entity. A properly executed Verified Statement (Declaration) Claiming Small Entity Status (37 C.F.R. §§1.9(f) and 1.27(c)) - Small Business Concern is attached to this Petition. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite fee of \$585.00 set forth in 37 C.F.R. §1.17(m). The Patent and Trademark Office is further authorized hereby to charge Deposit Account No. 05-1135 for any other fees required in connection with this Petition and to credit any overpayment thereto.

This Petition and the attached Exhibits 1-3 are being submitted in duplicate.

Favorable action on this Petition is earnestly solicited.

Respectfully submitted,



Ronald C. Fedus

Registration No. 32,567

Attorney for Applicants

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